



TEW  
PATENT

Case Docket No. OPTIS.107A  
Application No. 10/825,085

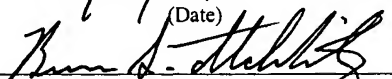
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bernhard B. Sterling et al.  
Appl. No. : 10/825,085  
Filed : April 15, 2004  
For : METHOD OF DETERMINING  
ANALYTE CONCENTRATION  
IN A SAMPLE USING  
INFRARED TRANSMISSION  
DATA  
Examiner : Unknown  
Group Art Unit : Unknown

Certificate of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

7/12/04  
(Date)

  
Bruce S. Itchkawitz, Reg. No. 47,677

TRANSMITTAL LETTER

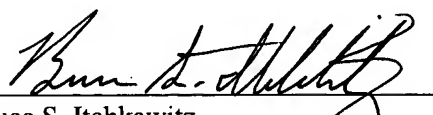
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 listing eighty-six (86) references, with copies of twenty-three (23) references.
- (X) A return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

  
Bruce S. Itchkawitz  
Registration No. 47,677  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404



## INFORMATION DISCLOSURE STATEMENT

Applicants : Bernhard B. Sterling et al.  
App. No. : 10/825,085  
Filed : April 15, 2004  
For : METHOD OF DETERMINING ANALYTE  
CONCENTRATION IN A SAMPLE  
USING INFRARED TRANSMISSION  
DATA  
Examiner : Unknown  
Group Art Unit : Unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing eighty-six (86) references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

7/12/04

By: \_\_\_\_\_

Bruce S. Itchkawitz  
Registration No. 47,677  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
OPTIS.107AAPPLICATION NO.  
10/825,085INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANTS  
Bernhard B. Sterling et al.FILING DATE  
04/15/04GROUP  
Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	3,787,124	01/22/74	Lowy et al.			
	2	3,972,614	08/03/76	Johansen et al.			
	3	4,281,645	08/04/81	Jobsis			
	4	4,350,441	09/21/82	Wicnienski			
	5	4,397,956	09/09/83	Maggio			
	6	4,655,225	04/07/87	Dahne et al.			
	7	4,730,112	03/08/88	Wong			
	8	4,819,752	04/11/89	Zelin			
	9	4,927,264	05/22/90	Shiga et al.			
	10	4,969,115	11/06/90	Rosenthal			
	11	5,070,874	12/10/91	Barnes et al.			
	12	5,081,998	01/21/92	Yelderman et al.			
	13	5,111,817	05/12/92	Clark et al.			
	14	5,204,532	04/20/93	Rosenthal			
	15	5,277,181	01/11/94	Mendelson et al.			
	16	5,297,548	03/29/94	Pologe			
	17	5,313,941	05/24/94	Braig et al.			
	18	5,348,003	09/20/94	Caro			
	19	5,361,758	11/08/94	Hall et al.			
	20	5,370,114	12/06/94	Wong et al.			
	21	5,371,020	12/06/94	Frischauf			
	22	5,372,135	12/13/94	Mendelson et al.			
	23	5,372,136	12/13/94	Steuer et al.			
	24	5,377,674	01/03/95	Kuestner			
	25	5,379,764	01/10/95	Barnes et al.			
	26	5,412,581	05/02/95	Tackett			
	27	5,452,716	09/26/95	Clift			
	28	5,481,113	01/02/96	Dou et al.			

EXAMINER

DATE CONSIDERED

\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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Unknown

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	29	5,499,627	03/19/96	Steuer et al.			
	30	5,569,591	10/29/96	Kell et al.			
	31	5,576,544	11/19/96	Rosenthal			
	32	5,606,164	02/25/97	Price et al.			
	33	5,630,413	05/20/97	Thomas et al.			
	34	5,655,530	08/12/97	Messerschmidt			
	35	5,692,503	12/02/97	Kuenstner			
	36	5,713,353	02/03/98	Castano			
	37	5,720,284	02/24/98	Aoyagi et al.			
	38	5,725,480	03/10/98	Oosta et al.			
	39	5,773,301	06/30/98	Ziegler			
	40	5,823,951	10/20/98	Messerschmidt			
	41	5,830,132	11/03/98	Robinson			
	42	5,857,462	01/12/99	Thomas et al.			
	43	5,900,632	05/04/99	Sterling et al.			
	44	6,040,578	03/21/00	Malin et al.			
	45	6,067,463	05/23/00	Jeng et al.			
	46	6,087,182	07/11/00	Jeng et al.			
	47	6,115,673	09/05/00	Malin et al.			
	48	6,119,026	09/12/00	McNulty et al.			
	49	6,121,050	09/19/00	Han			
	50	6,122,052	09/19/00	Barnes et al.			
	51	6,124,134	09/26/00	Stark			
	52	6,157,041	12/05/00	Thomas et al.			
	53	6,161,028	12/12/00	Braig et al.			
	54	6,198,949	03/06/01	Braig et al.			
	55	6,236,047	05/22/01	Malin et al.			

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FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. OPTIS.107A	APPLICATION NO. 10/825,085
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANTS Bernhard B. Sterling et al.	
		FILING DATE 04/15/04	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	56	6,262,798	07/17/01	Shepherd et al.		
	57	6,278,889	08/21/01	Robinson		
	58	6,285,448	09/04/01	Kuenstner		
	59	6,426,045	07/30/02	Jeng et al.		
	60	App. No. 10/319,409	12/12/02	Sterling et al. [Attorney Docket No. OPTIS.060A]		
	61	App. No. 10/366,540	02/12/03	Sterling et al. [Attorney Docket No. OPTIS.060CP1]		
	62	Prov. App. No. 60/463,133	04/15/03	Sterling et al. [Attorney Docket No. OPTIS.060PR4]		
	63	6,580,934	06/17/03	Braig et al.		
	64	2002/0041371 A1	04/11/02	Shepherd et al.		
	65	2003/0090649 A1	05/15/03	Sterling et al.		
	66	2003/0133118 A1	07/17/03	Braig et al.		
	67	App. No. 10/825,223	04/15/04	(Inventors not yet named) [Attorney Docket No. OPTIS.090A]		
	68	App. No. 10/826,004	04/15/04	Braig et al. [Attorney Docket No. OPTIS.085A]		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	69	EP 0 982 582 A1	03/01/00	Europe			
	70	WO 93/13706	07/22/93	WIPO			
	71	WO 99/39631	08/12/99	WIPO			
	72	WO 01/30236 A1	05/03/01	WIPO			
	73	PCT/US02/40133	06/05/03	PCT International Search Report.			
	74	PCT/US03/04548	09/23/03	PCT International Search Report			

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(USE SEVERAL SHEETS IF NECESSARY)		FILING DATE 04/15/04	GROUP Unknown

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	75 Burmeister, Jason J., et al., "Spectroscopic Considerations for Noninvasive Blood Glucose Measurements with Near Infrared Spectroscopy," IEEE Infrared Spectroscopy Newsletter, April 1998, pp. 1-5.
	76 De Lène Mirouze, F., et al., "Quantitative Analysis of Glucose Syrups by ATR/FT-IR Spectroscopy," Applied Spectroscopy, Volume 47, Number 8, 1993, pp 1187-1191.
	77 Heise, H.M., et al., "Multicomponent Assay for Blood Substrates in Human Plasma by Mid-Infrared Spectroscopy and its Evaluation for Clinical Analysis," Applied Spectroscopy, Volume 48, Number 1, 1994, pp 85-95.
	78 Janatsch, Günter, et al., "Multivariate Calibration for Assays in Clinical Chemistry Using Attenuated Total Reflection Infrared Spectra of Human Blood Plasma," Analytical Chemistry, 1989, 61, pp 2016-2023.
	79 Kajiwar, Ken-ichiro et al., "Spectroscopic Quantitative Analysis of Blood Glucose by Fourier Transform Infrared Spectroscopy with an Attenuated Total Reflection Prism," Medical Progress through Technology 18, No. 3, 1992, Dordrecht, NL, pp. 181-189.
	80 Kuenstner, J. Todd, et al., "Spectrophotometry of Human Hemoglobin in the Midinfrared Region," 1997, pp. 225-232.
	81 Lewis, Christopher B., et al., "Investigation of Near-Infrared Spectroscopy for Periodic Determination of Glucose in Cell Culture Media in Situ," Applied Spectroscopy, Volume 54, Number 10, 2000, pp. 1453-1457.
	82 McShane, Michael J., et al., "Near-Infrared Spectroscopy for Determination of Glucose, Lactate, and Ammonia in Cell Culture Media," Applied Spectroscopy, Volume 52, Number 8, 1998, pp. 1073-1078.
	83 Norris, K.H., et al., "Rapid Measurement of Analytes in Whole Blood with NIR Transmittance," Leaping Ahead with Near Infrared Spectroscopy, 1995, pp. 431-436.
	84 Petibois, Cyril, et al., "Glucose and Lactate Concentration Determination on Single Microsamples by Fourier-Transform Infrared Spectroscopy," INSERM U 443, Equipe de Chimie Bio-Organique, October 1999, pp. 210-215.
	85 Shaw, R. Anthony, et al., "Infrared Spectroscopy in Clinical and Diagnostic Analysis," Encyclopedia of Analytical Chemistry, pp 1-20.
	86 Ward, Kenneth J., et al., "Post-Prandial Blood Glucose Determination by Quantitative Mid-Infrared Spectroscopy," Applied Spectroscopy, Volume 46, Number 6, 1992, pp 959-965.

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